

In re Appln. of Nyhan et al.
Serial No. 08/673,929

REMARKS:

The Office Action dated May 24, 2001, and the references cited therein have been carefully considered. Claims 1-50 are presently pending, including new claims 21-50. Claims 1-20 are asserted by the office action to be anticipated by Dedrick U.S. Pat. 5,724,521. No claims currently stand allowed. In view of the above amendments and the reasons set forth herein below, the pending claims 1-18, 20, and 21-50 are patentable over the prior art presently known to Applicants. Accordingly, Applicants request favorable reconsideration of the previous rejection of the now pending claims. Please charge any fee deficiencies to Deposit Account No. 12-1216.

Applicants traverse the grounds for each and every rejection in view of Applicants' clarifying amendments and for at least the reasons set forth herein below.

Applicants traverse the rejection of **claim 1** over Dedrick. Dedrick discloses a particular method for metering advertisement presentation upon client computers. Dedrick discloses monitoring delivery of advertisements to users and also their "subsequent consumption." The metering server 14 in Dedrick maintains data regarding user profiles of advertisement recipients and advertisement deliveries to the users. The metering server 14 also receives information from the user computers (via a client activity monitor that resides and runs on the user computers) regarding user's subsequent consumption of the delivered advertisements.

The presently claimed invention is directed to a system and method for recording "subsequent consumption" of advertisements in a way that substantially differs from Dedrick. In particular, Dedrick relies upon a program (client activity monitor 24) executing upon the user's own computer to initiate/control recording advertisement consumption without direction by an outside server. As such Dedrick does not disclose multiple elements of the broadest claims concerning the communications exchanged between the user's computer and the server computer when an advertisement (e.g., a banner ad) is activated upon the user's computer.

In contrast to the elements recited in claim 1 relating to the "code," the code disclosed in Dedrick does not initiate sending a signal to a server, nor does Dedrick disclose the server responding by placing the recited indicator within a file on the user computer. Applicants' claimed

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invention recites a code associated with a received advertisement that initiates sending a signal to a server indicating that the advertisement was activated. The server computer, as recited in claim 1, supplies an indicator (of the advertisement activation on the user computer) to the user computer, and the indicator is stored upon a file within the user computer. These same claim elements, not suggested or disclosed in Dedrick, are similarly recited in amended **claims 13 and 18**, and new independent claims **21 and 34**.

Applicants traverse the rejection of **claim 2 and claim 20** since Dedrick discloses storing the *amount of time* a user spends viewing an advertisement. The recited claim element calls for storing a *time at which the advertisement is activated* for viewing on the user computer.

Applicants traverse the rejection of **claims 10 and 11** since Dedrick does not disclose a server interface receiving questions *generated by an advertiser*.

Applicants traverse the rejection of **claim 17** since the claimed comparison of "exposed" (advertisement was activated) and "non-exposed" users is neither disclosed nor suggested in Dedrick.


Applicants reserve the right to traverse any of the remaining dependent claims for at least the reason that the rejections require an obviousness analysis since the cited reference does not include each recited element. Applicants further note that instances where a claim was rejected in view of Applicants' background require an obviousness analysis (including identification of a suggestion to combine the references) that is not provided in the current Office Action.

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CONCLUSION

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application and all the pending claims to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Nyhan et al.

Group Art Unit: 2162

Serial No. 09/349,650

Examiner: Jean D. Janvier

Filed: 07/08/99

For: "System and Method for Evaluating and/or
Monitoring Effectiveness of On-Line
Advertising"

AMENDMENTS TO CLAIMS MADE IN
RESPONSE TO OFFICE ACTION DATED MAY 24, 2001

Amendments to existing claims:

1. (Amended) A system for facilitating measuring effectiveness of [an advertisement viewed] advertisements displayed upon a computer for viewing by a user, the system comprising:
a code associated with [the] an advertisement received from an advertiser server;
a server capable of supplying an indicator identifying [when] an instance wherein
the advertisement is [viewed] activated for viewing by the user, and wherein the code [sends]
initiates sending a signal to the server indicative of [viewing] activation of the advertisement; and
a computer on which the advertisement is [viewed] activated for viewing by the user
wherein the computer has a file [on] within which [an] the indicator is [generated] stored, the
indicator providing information associated with the advertisement.

2. (Amended) The system of claim 1 wherein the information includes a time at which
[the user viewed] the advertisement is activated.

3. (Amended) The system of claim 1 further comprising:

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an advertising server capable of delivering the advertisement to the computer [of the user].

4. (Amended) The system of claim 1 further comprising:
a plurality of advertising servers capable of delivering an advertisement to the computer of the user wherein each of the advertisements includes a code associated with the advertisement and further wherein the server is capable of identifying [when] an instance wherein the advertisement is [viewed] activated for viewing by the user.
5. (Amended) The system of claim 1 wherein the server generates a survey [that may be accessed by] accessible to the user.
6. (Amended) The system of claim 5 wherein the survey is [dynamically] generated based on advertisements to which the user has been exposed.
8. (Amended) The system of claim 1 wherein the server includes a plurality of categories [in which the advertiser may be classified] for classifying advertisers.
9. (Amended) The system of claim 1 wherein the server generates a survey [that may be accessed by] accessible to the user wherein results of a plurality of surveys answered by a plurality of users assist in computing the effectiveness of the advertisement.
10. (Amended) The system of claim 1 wherein the server [receives] includes an interface for receiving questions generated by the advertiser.
11. (Amended) The system of claim 1 wherein the server [receives] includes an interface for receiving questions and selected demographic information generated by the advertiser.

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12. (Amended) The system of claim 1 wherein [the advertiser may access] research results are accessible to the advertiser.

13. (Amended) A method for facilitating measuring effectiveness of an advertisement message from an advertiser and [viewed] activated upon a computer for viewing by a user, the method comprising the steps of:

providing the advertisement [viewable] message through an on-line network accessible by [a] the computer of the user;

attaching a code to the advertisement [;] for facilitating identifying [when] an instance wherein the advertisement has been [viewed] activated upon the computer for viewing by the user and initiating sending a signal to a server; and

storing information in the computer of the user provided by the server wherein the information relates to [viewing] activation of the advertisement.

15. (Amended) The method of claim 13 further comprising the step of:
[dynamically] generating a survey for transmission to the computer of the user based on advertisements to which the user has been exposed.

18. (Amended) A system for identifying [when] an instance wherein an advertisement [viewable] deliverable through an on-line network [by] to a computer of [the] a user has been [viewed] activated for viewing by the user, the system comprising:

a code attached to the advertisement [capable of] facilitating generating a signal when the advertisement is [viewed] activated on the computer [by the user] wherein the code provides information relating to [the viewing] activation of the advertisement; and

a server for receiving the signal from the computer of the user, and wherein the server generates a second signal in response to the signal wherein the second signal includes information related to the activation of the advertisement and is stored on the computer of the user.

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Please delete claim 19.

20. (Amended) The system of claim [19] 18 wherein the information includes a value corresponding to a time at which the advertisement was [viewed] activated upon the computer for viewing by the user.

Please add claims 21-50 as follows:

21. A system for facilitating measuring effectiveness of advertisements activated upon users' computers, the system comprising:

- an administration computer;
- a user computer;
- an advertisement message; and
- a set of computer instructions executed upon the user computer, in association with activation of the advertisement message, facilitating:
 - generating a signal, in association with activation of the advertisement message upon the user computer, to the administration computer; and
 - storing, in association with the signal, within memory on the user computer a value received from the administration computer in response to the signal and indicative of activation of the advertisement message.

22. The system of claim 21 wherein the administration computer includes executable computer instructions for:

- receiving the signal from the user computer; and
- transmitting, in response to the receiving the signal, a message to the user computer resulting in the user computer performing the storing a value step.

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23. The system of claim 21 further comprising a cookie storable upon the user computer, and wherein the cookie contains the value.

24. The system of claim 23 wherein the cookie comprises a time value corresponding to activation of the advertisement message upon the user computer.

25. The system of claim 24 wherein the cookie comprises an identification of the advertisement message.

26. The system of claim 21 wherein the user computer includes a record of advertisement messages activated on the user computer.

27. The system of claim 26 wherein the record further stores information corresponding to times at which advertisement messages, including embedded code for invoking the generating a signal, have been activated upon the user computer.

28. The system of claim 21 further comprising an advertisement server that transmits the advertisement message to the user computer.

29. The system of claim 21 wherein the administration computer includes executable instructions for providing survey questions to the user computer.

30. The system of claim 29 wherein at least one of the survey questions is based upon at least the value within memory of the user computer indicative of the activation of the advertisement message.

31. The system of claim 30 wherein the survey questions include requests for demographic information of a respondent.

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32. The system of claim 29 further comprising analytical tools that analyze results from a plurality of survey results to render data indicative of activated advertisement effectiveness.

33. The system of claim 29 wherein at least one question of the survey questions is supplied by an advertiser.

34. A method for facilitating measuring effectiveness of advertisements activated on users' computers, the method comprising the steps of:

receiving, by a user computer, an advertisement including an embedded code;
generating, by the user computer, in accordance with the embedded code and in association with activation of the advertisement upon the user computer, a signal for an administration computer; and

storing within memory on the user computer a value received from the administration computer in response to the signal and indicative of the activation of the advertisement.

35. The method of claim 34 further comprising the steps of:

receiving, by the administration computer, the signal from the user computer; and
transmitting, in association with the receiving the signal step, a message to the user computer resulting in the user computer performing the storing a value step.

36. The method of claim 34 further comprising the step of:

storing, by the user computer, a cookie containing the value.

37. The method of claim 36 wherein the cookie comprises a time value corresponding to activation of the advertisement upon the user computer.

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38. The method of claim 37 wherein the cookie comprises an identification of the advertisement.

39. The method of claim 34 further comprising the step of:
storing, upon the user computer, a record of advertisements activated on the user computer.

40. The method of claim 39 wherein the record of advertisements includes information pertaining to a time at which advertisements including the embedded code are activated on the user computer.

41. The method of claim 34 further comprising the step of:
transmitting, by an advertisement server, the advertisement including the embedded code to the user computer.

42. The method of claim 34 further comprising the step of:
providing, by the administration computer, survey questions.

43. The method of claim 42 wherein at least one of the survey questions is based at least upon the value within memory of the user computer indicative of the activation of the advertisement.

44. The method of claim 43 wherein the survey questions include requests for demographic information of a respondent.

45. The method of claim 42 further comprising the step of:
executing a set of analytical tools that analyze results from a plurality of survey responses to render data indicative of activated advertisement effectiveness.

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46. The method of claim 45 further comprising the step of:
comparing survey results of exposed and non-exposed users to render the data
indicative of activated advertisement effectiveness for a particular advertisement.
47. The method of claim 45 further comprising the step of providing on-line access to
the data indicative of activated advertisement effectiveness.
48. The method of claim 42 wherein at least one question of the survey questions is
based upon information provided by an advertiser.
49. The method of claim 42 further comprising the steps of:
rendering advertisement effectiveness values based on survey results obtained from
user exposed to the advertisement and from users not exposed to the advertisement.
50. The method of claim 34 further comprising the step of:
receiving, by an administration entity associated with the administration computer,
questions and selected demographic information provided by an advertiser.